REMARKS

In the Office Action dated October 28, 2008, claims 1-21 were examined with the result that claims 1-4 and 8-21 have been rejected and claims 5-7 have been objected to. The rejections made by the Examiner were non-final. In response, applicant has amended claims 5, 8, 11 and 13. In view of the above amendments and following remarks reconsideration of this application is requested.

Summary of Claim Amendments

1. Claims 1-4, 6-7, 9-10, 12 and 14-21 have not been amended in the present response.

2. Claim 5 has been amended to incorporate the subject matter of claim 1 and so should be allowable – paragraph 16 of the Office Action. Claim 7 should then also be allowable as it is dependent on claim 5.

3. Claim 8 has been amended to incorporate the subject matter of claim 1 and so should be allowable – paragraph 17 of the Office Action. Claims 9 and 10 were dependent on claim 8 and so should also be allowable.

4. Claim 11 now depends on claim 8, which should be allowable (item 3 above) and so therefore claims 11 and 12 should be allowable.

5. Claim 13 has been amended to provide correct grammar/tense.

Arguments

Responsive to paragraphs 1-3 of the detailed action, claim 8 now refers to "the first side wall" thus meeting the objection of those paragraphs.

It is noted that the Examiner has rejected claims 1, 11-16, 18 and 19 as being unpatentable over Cassani in view of Maus and Adams. In paragraph 6, the Examiner discusses the content of Cassani and in paragraph 7, the Examiner indicates the differences between Cassani and claim 1 of this application. With respect, the applicant cannot accept this analysis, which relies on the container of Cassani being used "in an inverted orientation" (paragraph 6, line 3 of the Office Action). Though notionally

Cassani could be used in an inverted orientation it still does not have the structure as defined in claim 1. Further, certain key elements of this invention would still be absent from an inverted container of Cassani. Thus, it cannot be agreed that the solution proposed by the totality of claim 1, can be derived from a combination of the disclosures of Cassani and Maus and Adams.

Cassani describes a cargo management system which relies on a cross member 12 extending for the full length of the system. It is noted that in paragraph [0020], it is stated that "the cross member 12 is the backbone of the cargo management system 10" from which it can be deduced that a ***full length*** cross member is a positive requirement of the system. Such a cross member is not found in the container of this invention. Further, the provision of such "a backbone" (cross member 12) would positively preclude the folding of the container of this invention in the manner specified in claim 1.

In addition, it is noted that the cargo management system of Cassani ***has no base wall***. Walls 20 and 22 are top walls (see paragraph [0023]) and do not in any way participate in the erection of the system. As a consequence, the system of Cassani cannot satisfy the limitation in present claim 1 to the "connection means provided on the base panel". Even were one to regard the top portions 20 and 22 as a "base wall" (by inverting the system of Cassani, as suggested by the Examiner in paragraph 6 of the detailed action), there is no connection means as defined in claim 1 and thus the functional limitation as to how the container is erected cannot be satisfied.

The system of Cassani does have an arrangement to hold the container in its fully deployed setting, as shown in Figures 6 and 7. A T-shaped clip, held to the container by a tether 44, fits over the cross member 12 and to ribs 14, to hold those ribs at 90° to the cross member 12. As is apparent from Figure 8, the top portion does not and cannot participate in securing the system in its fully deployed position; were it to do so, access to the interior of the system would not then be possible. This will not change, merely buy inverting the container of Cassani.

It is also worth noting that the inventor of the cargo management system of Cassani contemplates the device being used when only partially deployed. This is discussed in paragraphs [0021] and [0022] and again demonstrates that the top wall does not participate in securing the system in a fully deployed setting.

If now one refers to Maus, this does not employ any kind of "backbone" such as the cross member 12 of Cassani. Further, it employs a rigid bottom panel 10 having side flaps 16 which are folded back on themselves into triangular-section formations 18. These have upwardly-facing recesses 19 for receiving the bottom corners of the front panel 14. Thus, Maus teaches the interconnection of the front panel with side flaps 16, not (directly) with the fully deployed base – which in the case of Cassani is actually the top and cannot be connected to the other wall, as discussed above, else Cassani could not be used in its "normal" (i.e. not inverted) position.

Though it is true that the skilled man might look at Maus and see that both end walls fold inwardly, he would realize this solution was not applicable to Cassani since that relies on having the central backbone (cross member 12) which would prohibit the adoption of the inwardly folding end walls of Maus. Further, the skilled man may well realize that the system of Cassani could be inverted such that the top panels 20, 22 would form a base, but again applying the teachings of Maus would not result in the connection arrangement defined in present claim 1, nor would the folding of the base panel as defined in claim 1 be possible with the adoption of the teachings of Maus with the cargo system of Cassani.

It is true that Adams discloses a collapsible container with a full width compartment adjacent one of the end walls and that the container is collapsible by removing the base and the dividers and then allowing the four side walls to "lozenge" until those four side walls are substantially in a common plane. When folded in this way, the folded side walls have a total length equal to the sum of the lengths of a long side wall and a short side wall, but even to achieve this highly disadvantageous folding technique, the internal dividers and the base must be removed, first. It will be appreciated that such

a folding technique is wholly inappropriate for an "organizer" suitable for use in the trunk of an automobile. If the length of the long wall is substantially equal to the width of the trunk, folding the organizer as taught by Adams will make the folded organizer too long to be accommodated within the trunk.

If the skilled man were to apply the teachings of Adams to the container of Cassani, he would realize that a better folding technique could be achieved by removing the dividers but there would be no point in doing so since the folded length of both Cassani and Adams is greater than the length of a long side wall of either container. The whole advantage of this invention is that the folded container (trunk organizer) is no longer than the length of a long side wall and so the folded container will still fit in a automobile trunk even if the container when erected extends from side-to-side of that trunk.

From the foregoing, it will be appreciated that claim 1 of this application defines a collapsible container which does involve an inventive step having regard to Cassani in view of Maus and/or Adams. As such, further consideration of the rejection of claim 1 is requested.

So far as the rejection of claims 2-4 is concerned, this additionally relies on Frerking. Frerking discloses a folding container with the folding achieved by hinging of the panels, but only after disconnecting the base, if one is provided in Figure 5. Again, Frerking has a folded length equal to the sum of the lengths of a short wall and a long wall and yet again the novel and inventive feature of this application is not possessed by Frerking nor by the cited references, taken in any combination.

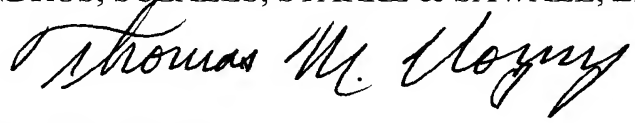
In paragraph 16 of the Office Action, the Examiner indicates that claims 5-7 would be allowable if written in independent form. Claim 5 now includes the subject matter of claim 1 and so should be allowable, along with dependent claim 7. Claim 8 has been re-written to address the rejection under 35 USC 112 and to include the subject matter of claim 1 and so should be allowable as indicated by the Examiner in paragraph 17.

As noted above, claims 5 and 8 have been amended so as to be independent and include the subject matter of original claim 1. As a result, claims 5 and 8 are thus believed allowable

An effort has been made to place this application into condition for allowance and such action has been earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP



Thomas M. Wozny
Reg. No. 28,922

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-5770